

UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

EDWARD ACKERMAN,

Petitioner

V.

JOHN MCCULLOUGH,

Respondent

CIVIL NO. 1:CV-01-1048

(Judge Caldwell)

**FILED**  
**HARRISBURG, PA**

AUG 23 2001

MARY E. D'ANDREA, CLERK

PER                      DEPUTY CLERK

O R D E R

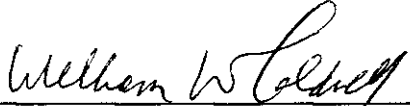
AND NOW, this 23rd day of August, 2001, it is ordered

that:

1. Petitioner's application to proceed in forma pauperis (doc. 2) is denied as moot as Petitioner has paid the \$5.00 filing fee.
2. The Clerk of Court is directed to serve a copy of the petition and this order by certified mail on the Attorney General of the Commonwealth of Pennsylvania and the District Attorney of Schuylkill County.
3. Within twenty days of the date of this order, Respondents shall answer the allegations in the petition for writ of habeas corpus. Consistent with Rule 5 of the Rules Governing § 2254 Cases in the United States Courts, the answer shall:
  - (a) state whether the Petitioner has exhausted state remedies available under state law with respect to each claim presented, including any postconviction remedies;
  - (b) be accompanied by those portions of any transcripts the Respondents deem relevant to disposing of the claims raised in the petition;

PER                      DEPUTY CLERK

- (c) indicate what other proceedings that might be relevant to the petition have been recorded but have not yet been transcribed;
  - (d) be accompanied by copies of any of the Petitioner's briefs on appeal, either from the judgment of conviction or from an adverse decision in a postconviction proceeding; copies of any opinions of the appellate courts in those proceedings; and any PCRA petitions.
- 4. Respondents shall file a memorandum of law with the answer. The memorandum shall set forth the relevant facts and procedural history of the case, a recommended disposition of the petition, and citations to pertinent case law.
  - 5. Petitioner shall, if he so desires, file a reply brief within fifteen days of receipt of the Respondents' filings.
  - 6. A determination whether the Petitioner should be produced for a hearing will be held in abeyance pending the filing of Respondents' answer and memorandum of law, and, if any, the Petitioner's reply.

  
\_\_\_\_\_  
William W. Caldwell  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

\* \* MAILING CERTIFICATE OF CLERK \* \*

August 23, 2001

Re: 1:01-cv-01048 Ackerman v. McCullough

True and correct copies of the attached were  
to the following:

Edward Ackerman  
SCI-HOUTZDALE  
CW-5843  
P.O.Box 1000  
Houtzdale, PA 16698-1000

cc:  
Judge  
Magistrate Judge  
U.S. Marshal  
Probation  
U.S. Attorney  
Atty. for Deft.  
Defendant  
Warden  
Bureau of Prisons  
Ct Reporter  
Ctroom Deputy  
Orig-Security  
Federal Public Defender  
Summons Issued

Standard Order 93-5  
Order to Show Cause

Bankruptcy Court  
Other

with N/C attached  
U.S. Marshal ( )

with Petition att  
to: US Atty Gen  
DA of County

DATE:

8/23/01

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

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*John McCullough*  
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City, State, ZIP+4  
*Houtzdale Pa 16698*  
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*DBZ Pa.*  
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MARY E. D'ANDREA, Clerk

BY:

*[Signature]*  
Deputy Clerk